IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1543 of 2004

For Approval and Signature:

HON'BLE MR.JUSTICE JAYANT PATEL

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

SHRINATHJI CO OP HOU. SOC.LTD.THRO.EXECUTIVE MEMBER

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 1543 of 2004

MR YN RAVANI for P7

GOVERNMENT PLEADER for Respondent No. 1-3,5

RULE SERVED for Respondent No. 1,6,8,10,12,14-23,25-26,29-31,33-27

HL PATEL ADVOCATES for Respondent No. 4

SERVED BY AFFIX.-(R) for Respondent No. 7,11,34

RULE NOT RECD BACK for Respondent No. 9,13,24,28,32

MR RK MISHRA for Respondent No. 27

CORAM : HON'BLE MR.JUSTICE JAYANT PATEL

Date of decision: 23/06/2004

ORAL JUDGEMENT

Upon hearing Mr.Ravani for the petitioner, Mr.Dave, Ld.AGP for State authorities and Mr.Patel for respondent No.4, it appears that there is no dispute on the point that the appointment of custodian under section 17-D of the Act has been made and the Dist.Registrar has taken over the charge as per the order, dated 21.5.04 passed by this court (Coram:K.S.Jhaveri,J) in this petition and therefore reliefs as prayed in the petition would not survive and the petition has become infructuous. However, Mr.Ravani for the petitioner has submitted that the authorities may be directed to hold the election as per the provisions of section 74-D of the Act within a period of six months from the date of appointment of custodian. As such, there is no prayer in the petition for such purpose and if the petitioner is so advised he may resort to remedy available under law and if otherwise permissible.

2. Subject to aforesaid observations, petition is disposed of as having become infructuous. Rule is discharged. In the facts and circumstances of the case, there shall be no costs.

23.6.04 (JAYANT PATEL,J)